

In The United States District Court  
For The Middle District of Alabama  
Northern District

James Robert West, Jr.,  
Plaintiff,

2008 APR 24 A 10:10

v.

Dwight Keith Harris, Co. I, et al.,  
Defendants.

DEBRA P. HACKETT, CL.  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA  
2:07-CV-747-WKW

Motion To Reconsider And Review Record

Once Again the Plaintiff, James Robert West, Jr., and moved the Court to Reconsider action taken on 4/17/08, Rec. #17-1 wherein the Court denied Motion for Leave to Amend Complaint and Add Defendants.

As grounds for his motion, West shows as follows:  
On April 9, 2008, West placed a motion in the mail at Easterning Prison to be mailed "Free Legal Mail." That motion, along with a Motion to Add Defendants, was included with the Motion to Strike which this Court makes reference to in Rec. #16-1, by stating the motion was not received by the Court. That legal mail was opened at Easterning Prison and Easterning officials refused to allow that mail to be mailed free legal mail. The mail was returned opened and stamped, "Return to Postage," it had indicated on the outside of the envelope, "Free Legal Mail."

I filed an administrative complaint (preserved) with the Warden, Louis D. Boyd. I included a copy of this Complaint to the Clerk, Debra P. Hackett, and I requested she file a copy of the Complaint in Case files 2:07-CV-747-WKW and 2:08-CV-82-ME7.

I am still awaiting action to be taken by Warden Boyd to, (1) ensure this does not happen again and, (2) disclose the name(s) of the employee(s) who opened the mail addressed to the Clerk of this Court.

Also, with all due respect, Your Honor, I believe the Court has confused Case No. 2:07-CV-747-WKW with Case No. 2:08-CV-82-ME7. Please consider the following.

On Dec. #17-1 filed by you on 4/17/08, the Court stated it could not amend to add defendants because it was notified it could not amend after May 5, 2008. This is incorrect.

The Court notified me, by Order 2/29/08, at p. 4, that I had 90 days to amend the Complaint from the date of the order. Therefore, based on that Order, I would have until May 19, 2008 to amend the Complaint in 2:08-CV-92-MEF. Would that be a correct reading of the order issued 2/29/2008.

If the Court will check the record, I was not notified that I could pay the initial partial filing fee in 2:07-CV-747-WKW until 4/16/08. Service had not been made in 2:07-CV-747-WKW at the time the Court issued the order.

After the Court reviews the matters complained of herein, I renew my motion for leave to amend and refile the Complaint in 2:07-CV-747-WKW to include additional defendants.

Wherefore, premises considered, West prays the Court, (1) reconsider and set aside order denying West leave to amend to add additional defendants in Case No. 2:07-CV-747-WKW, (2) allow West to refile an amended Complaint in 2:07-CV-747-WKW and add additional defendants.

Respectfully submitted April 22, 2008.

James R. West, Jr.

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